

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**CAROLYN PLACHT, on behalf of the  
Symbria Inc. Employee Stock Ownership  
Plan and on behalf of a class of all other  
persons similarly situated,**

**Plaintiff,**

**v.**

**ARGENT TRUST COMPANY,  
JILL KRUEGER,  
THOMAS NOESEN, JR.,  
JOHN R. CALLEN,  
CENTRAL BAPTIST VILLAGE,  
COVENANT RETIREMENT  
COMMUNITIES, INC.,  
FRANCISCAN SISTERS OF CHICAGO  
SERVICE CORPORATION,  
LIFELINK CORPORATION,  
LUTHERAN HOME AND SERVICES  
FOR THE AGED, INC.,  
MATHER LIFEWAYS,  
NORWEGIAN LUTHERAN BETHESDA  
HOME ASSOCIATION,  
NORWOOD LIFE CARE FOUNDATION,  
FRIENDSHIP SENIOR OPTIONS, NFP,  
REST HAVEN ILLIANA CHRISTIAN  
CONVALESCENT HOME,  
ST. PAULS HOUSE & HEALTHCARE  
CENTER, and  
UNITED METHODIST HOMES &  
SERVICES,**

**Defendants.**

**Case No. 1:21-cv-05783**

**Hon. Ronald A. Guzman**

**STIPULATION WAIVING POTENTIAL APPLICATION OF  
ARBITRATION PROVISIONS**

Each of the undersigned named defendants (“Defendants”) hereby waives any right to invoke Section 17.9 of the Symbria, Inc. Employee Stock Ownership Plan (the “Plan”), as

amended on March 26, 2020, with respect to the complaint filed by Carolyn Placht, on behalf of the Symbria Inc. Employee Stock Ownership Plan and on behalf of a class of all other persons similarly situated (“Plaintiff”) on October 29, 2021 (the “Action”), contingent on Plaintiff joining Defendants’ joint motion to stay discovery in the Action and/or joining the request to stay discovery in the Joint Initial Status Report and Proposed Discovery Plan (“Initial Status Report”) in the Action, during the pendency of Defendants’ motions to dismiss (Dkt. 26, 29, 32 and 35). The stipulation is also contingent on Defendants opposing (which shall not require an independent filing) any motion by a third-party to invoke Section 17.9 of the Plan and compel arbitration in the above-captioned matter. This stipulation does not include any agreement by Plaintiff as to any other positions taken by Defendants in the Initial Status Report. Upon the filing of Defendants’ joint motion to stay discovery or the Initial Status Report, the Defendants’ waiver of the right to invoke Section 17.9 of the Plan with respect to the Action and agreement to oppose any attempt by a third party to compel arbitration shall become final and binding.

Dated: January 31, 2022

Respectfully submitted,

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